

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE COMMISSION,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	NO. 12-12324-MLW
)	
BIOCHEMICS, INC., ET AL.,)	
)	
Defendants.)	
)	

**ADEC’S RESPONSE TO MARCH 5, 2019 COURT ORDER
CONCERNING ADEC’S REQUEST FOR ATTORNEYS’ FEES AND COSTS**

ADEC Private Equity Investments, LLC (“ADEC”) responds to the Court’s March 5, 2019 Order directing that “[c]ounsel for ADEC and Mr. Masiz *shall confer* and, by March 19, 2019, report on whether they have reached an agreement to resolve [ADEC’s request for attorneys’ fees and costs pursuant to Mass. Gen. Laws ch. 231 § 59H].” (Dkt. 517 at 3(b) (emphasis added)).

While ADEC was hopeful that ADEC and Mr. Masiz could resolve this issue without Court intervention, ADEC respectfully reports that ADEC and Mr. Masiz have not reached an agreement to resolve ADEC’s request for attorneys’ fees and costs. It bears mentioning, however, that ADEC’s three attempts to confer with Attorney Schlichtmann, counsel for Mr. Masiz, concerning this issue were essentially unreciprocated. *See* Addendum A attaching relevant correspondence.

Dated: March 19, 2019

**ADEC PRIVATE EQUITY
INVESTMENTS, LLC,**

By its attorneys,

/s/ Elizabeth M. Bresnahan

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TODD & WELD LLP
One Federal Street, 27th Floor
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CERTIFICATE OF SERVICE

I, Elizabeth M. Bresnahan, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 19, 2019.

/s/ Elizabeth M. Bresnahan

Elizabeth M. Bresnahan

Addendum A

Bresnahan, Elizabeth M.

From: Cooper, Howard <hcooper@toddweld.com>
Sent: Friday, March 15, 2019 5:14 PM
To: Bresnahan, Elizabeth M.; Jan Schlichtmann (jan@schlichtmannlaw.com)
Cc: Sternklar, Jeffrey D.; Willett, P. Sabin; Cacace, Joseph
Subject: RE: Conference Concerning Fees

[EXTERNAL EMAIL]

Jan -

If you are unable to confer because of your schedule, please email us and tell us your response in terms of payment of the fees we seek from Judge Wolf.

Thanks and regards,

Howard

From: Bresnahan, Elizabeth M. [mailto:elizabeth.bresnahan@morganlewis.com]
Sent: Friday, March 15, 2019 4:39 PM
To: Jan Schlichtmann (jan@schlichtmannlaw.com)
Cc: Sternklar, Jeffrey D.; Willett, P. Sabin; Cooper, Howard; Cacace, Joseph
Subject: RE: Conference Concerning Fees

Jan,

Following up on my email below about a conference. Can you please let me know your availability Monday for a discussion?

Thanks,

Elizabeth

Elizabeth M. Bresnahan

Morgan, Lewis & Bockius LLP

One Federal Street | Boston, MA 02110-1726
Direct: +1.617.951.8638 | Main: +1.617.341.7700 | Fax: +1.617.341.7701
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From: Bresnahan, Elizabeth M.
Sent: Thursday, March 14, 2019 5:32 PM
To: Jan Schlichtmann (jan@schlichtmannlaw.com) <jan@schlichtmannlaw.com>
Cc: Sternklar, Jeffrey D. <jeffrey@sternklarlaw.com>; Willett, P. Sabin <sabin.willett@morganlewis.com>; Cooper, Howard <hcooper@toddweld.com>; 'Cacace, Joseph' <jcacace@toddweld.com>
Subject: Conference Concerning Fees

Jan,

Judge Wolf's March 5 Order (Dkt. 517) required that counsel for ADEC and Mr. Masiz confer and by March 19, 2019 [Tuesday] report whether they have reached an agreement to resolve ADEC's request for attorneys' fees and costs. We and ADEC's lawyers from Todd & Weld filed affidavits concerning fees on Tuesday pursuant to Judge Wolf's order.

Can you please let me know your availability tomorrow and Monday for a conference?

Thanks,

Elizabeth

Elizabeth M. Bresnahan

Morgan, Lewis & Bockius LLP

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Bresnahan, Elizabeth M.

From: Jan Schlichtmann <jan@schlichtmannlaw.com>
Sent: Monday, March 18, 2019 9:13 AM
To: Bresnahan, Elizabeth M.; Cooper, Howard; Cacace, Joseph; Willett, P. Sabin
Cc: Sternklar, Jeffrey D.; Jan Schlichtmann
Subject: Re: Conference Concerning Fees

[EXTERNAL EMAIL]

Elizabeth,

Thank you for your email regarding Judge Wolf's March 5, 2019 Order (Doc. #517).

We will not be agreeing to ADEC's "request for attorneys' fees and costs pursuant to Mass. Gen. Laws ch. 231 Section 59H" and will so report to the Court, by March 19, 2019, that ADEC and Mr. Masiz have not "reached an agreement to resolve this issue".

Regards,

Jan Schlichtmann, Esq.
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Prides Crossing, MA 01965
O: 978-927-1037
F: 978-232-9668
C: 978-804-2553

From: "elizabeth.bresnahan@morganlewis.com" <elizabeth.bresnahan@morganlewis.com>
Date: Thursday, March 14, 2019 at 5:32 PM
To: Jan Schlichtmann <jan@schlichtmannlaw.com>
Cc: "Sternklar, Jeffrey D." <jeffrey@sternklarlaw.com>, "sabin.willett@morganlewis.com" <sabin.willett@morganlewis.com>, "hcooper@toddweld.com" <hcooper@toddweld.com>, "jcacace@toddweld.com" <jcacace@toddweld.com>
Subject: Conference Concerning Fees

Jan,

Judge Wolf's March 5 Order (Dkt. 517) required that counsel for ADEC and Mr. Masiz confer and by March 19, 2019 [Tuesday] report whether they have reached an agreement to resolve ADEC's request for attorneys' fees and costs. We and ADEC's lawyers from Todd & Weld filed affidavits concerning fees on Tuesday pursuant to Judge Wolf's order.

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Thanks,

Elizabeth

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